

File 4013

OFFICE OF THE UNDER SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

16 March 1982

POLICY

*file 3-1*MEMORANDUM FOR THE CHAIRMAN, DCI SECURITY COMMITTEE *RT*

SUBJECT: Unauthorized Disclosure Investigations Subcommittee

Reading the results of subject Subcommittee's meeting on 8 March 1982, has compelled me to offer some unsolicited comments. First, there are some positive elements being reported from the "Attorney General's Group", such as:

- an amendment to the Criminal Statutes to eliminate the need to prove intent to injure the U.S. in cases of unauthorized disclosure;

- consideration of the use of secrecy agreements (use of such were ordered by President Ford, once); and,

- interviews of members of the media without concurrence from the Department of Justice. (As one who has interviewed members of the media with some success before such ill-advised constraints were imposed, I can support this one avidly.)

It is distressing to note that senior people do not have time to participate in security education programs. That would seem to be the fault of the folks who run security programs, and if they can't get the boss to support a program of security education and awareness, they shouldn't be in any forum addressing the best way to handle leaks because one of the fundamental parts of their job hasn't been done first.

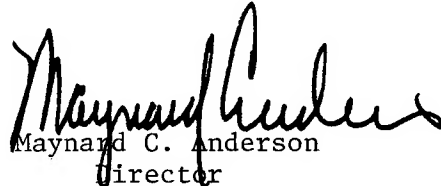
I fail to see benefits to be gained from creation of a "coordinator", particularly one who would clip the dailies, to ensure that leaks are investigated. I can't define the role of such a fellow and if it were to be one of oversight, I submit there is more than enough of that now.

There is a fundamental point missed in the discussion concerning "prioritizing" leaks for investigation. Prudent classification and compartmentation of information is the starting point, and if the basic value of classification guides was understood, it would be understood also that if information is properly classified and compartmented, leaks are prioritized automatically. As in DoD, the use of classification guides by the rest of the government would immediately identify sensitivity of information and provide an assessment of the importance of the leak, thus the importance, or lack of it, of beginning an investigation.

Let's start with the basics - applying resources to the protection of that information that is truly sensitive. Now, we're shotgunning and going beyond the bounds of regulatory prudence in a frenzied effort to reinvent the wheel.

At the risk of redundancy, let me recommend that the Subcommittee concentrate on supporting the three items highlighted in the first paragraph of this memorandum, at least; that there be better coordination among the Security Awareness Subcommittee, the Compartmentation Subcommittee and this Subcommittee to ensure that all are working along the same lines; that the members of this Subcommittee be encouraged to take advantage of the Security Managers or the Directors for Information Security in their departments or agencies to obtain advice concerning proper classification of information; that there be consideration of raising the awareness of the opportunities for administrative action to supplement the legal penalties potentially considered for unauthorized disclosures. Another recommendation to consider might be that of "security" as a rating factor in personnel administration in agencies of the Intelligence Community. A technique that involves relatively small expense but which serves to coordinate security awareness with professional performance and which carries with it the possibility of promotions withheld, leave without pay, or a poor evaluation report, may be more effective than most others.

The frustrations of dealing with this problem are legion, both within the participating departments and agencies and the federal system as a whole. It is the sort of stimulation that inspires intemperance and loud reminders of the sovereignty of each individual, participating agency. What is needed, perhaps, is less rhetoric from the past and fewer recitations of our history of failure in favor of reasonable, collegial responses to one of the by-products of a free society and a competitive political system. In other words, let's admit that there are aggressive, competitive spirits working in this government who have access to classified information and who will, sometimes, use it without discretion to serve their own purposes. We need to ensure that they are penalized without paralyzing the rest of the enterprise. Some of the remedies that I've mentioned might just do that.



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